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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,989	01/11/2002	Amreesh Agrawal	NAIIP067/01.266.01	1427
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Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			EXAMINER ALAM, UZMA	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/045,989	<b>Applicant(s)</b> AGRAWAL ET AL.	
	<b>Examiner</b> Uzma Alam	<b>Art Unit</b> 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 June 2007.
- 2a) ☐ This action is **FINAL**.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,6-11,16-23 and 25-230 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,6-11,16-23 and 25-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some \* c) ☐ None of:
    - 1. ☐ Certified copies of the priority documents have been received.
    - 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    - 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This action is responsive to the arguments filed June 12, 2007. Claims 1, 6-11, 16-23, 25-29 and 30 are pending. Claims 1, 6-11, 16-23, 25-29 and 30 represent method and apparatus for reporting and analyzing network performance.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 6-11, 16-23, 29 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Devine et al. US Patent No. 6,631,401. Devine et al. teaches the invention as claimed including a method for requesting and creating reports (see abstract).

2. As per claim 1, Devine et al. teaches a method for user-configured network analysis reporting, comprising:

(a) identifying a plurality of templates provided based on user input [user has access to various templates including Traffic information templates; column 7, lines 26-47; column 11, lines 60-67; column 8, lines 1-25; column 16, lines 21-34; column 20, lines 52-67];

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(b) querying a database for network traffic information based on the identified templates [report manager utilizes a database; column 12, lines 46-67; column 16, lines 41-67; column 17, lines 34-67; column 18, lines 1-17];

(c) populating the templates with the network traffic information [information used to fill reports; column 14, lines 26-43]; and

(d) reporting the network traffic information over a network utilizing the populated templates [source of data is uploaded to client via a network; column 13, lines 30-47]

wherein the reporting includes displaying a graphical user interface reflecting the populated templates [GUI display of reports; column 14, lines 26-67; column 18, lines 18-42];

wherein the templates are generated based on a plurality of user-configured parameters including network portions to be reported, a format of reporting, or a time period, where the traffic information comes from, what type of traffic information is used, and to what location the network traffic information is written [format types column 13, lines 26-41; column 18, lines 46-67; column 20, lines 42-50].

As per claim 6, Devine et al. teaches the method as recited in claim 1, wherein the templates include templates of a first type and templates of a second type (column 7, lines 26-47; column 11, lines 60-67; column 8, lines 1-25; column 16, lines 21-34; column 20, lines 52-67).

As per claim 7, Devine et al. teaches the method as recited in claim 6, wherein the templates of the first type and the templates of the second type differ with respect to a versatility

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thereof (column 12, lines 46-67; column 16, lines 41-67; column 17, lines 34-67; column 18, lines 1-17).

As per claim 8, Devine et al. teaches the method as recited in claim 6, wherein the templates of the first type and the templates of the second type differ with respect to a format thereof (column 13, lines 26-41; column 18, lines 46-67; column 20, lines 42-50).

As per claim 9, Devine et al. teaches the method as recited in claim 6, wherein the templates of the first type are populated with the network traffic information utilizing a first module (information used to fill reports; column 14, lines 26-43).

As per claim 10, Devine et al. teaches the method as recited in claim 6, wherein the templates of the second type are 2 populated with the network traffic information utilizing a second module (information used to fill reports; column 14, lines 26-43).

3. Claims 11, and 16-21 are rejected with the same logic as claims 1, and 3-10 because they are drawn to a computer program product and system with the same limitations as claim 1-10.

As per claim 22, Devine et al. teaches a method for user-configured network analysis reporting, comprising:

(a) determining whether a network analysis reporting system is operating in a report

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mode or edit mode [user has access to various templates including Traffic information templates; column 7, lines 26-47; column 11, lines 60-67; column 8, lines 1-25; column 16, lines 21-34; column 20, lines 52-67];

(b) if the network analysis reporting system is operating in the report mode, identifying a plurality of existing templates [Figure 2, user input, pp 0121, 0079, 0081, 0115, 0126, claim 29];

(c) if the network analysis reporting system is operating in the edit mode, creating a plurality of templates based on user input [Figure 2, user input, pp 0121, 0079, 0081, 0115, 0126, claim 29];

(d) querying a database for network traffic information [report manager utilizes a database; column 12, lines 46-67; column 16, lines 41-67; column 17, lines 34-67; column 18, lines 1-17];

(e) populating the templates with the network traffic information [information used to fill reports; column 14, lines 26-43]; and

(f) reporting the network traffic information over a network utilizing the populated templates [utilize real time data collected from modules, pp 0159];

wherein the reporting includes displaying a graphical user interface reflecting the populated templates [display, Figure 4, pp 0065];

wherein the templates are generated based on a plurality of user-configured parameters selected from the group consisting of network portions to be reported, a format of reporting, or a time period [format types column 13, lines 26-41; column 18, lines 46-67; column 20, lines 42-50].

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As per claim 23, Devine et al. teaches a method for user-configured network analysis reporting, comprising:

- (a) displaying an interface (GUI column 13, lines 65-67; column 14, lines 1-6);
- (b) determining whether the interface is operating in a report mode or edit mode (column 14, lines 26-40);
- (c) if the interface is operating in the edit mode:
  - (i) receiving input from a user [column 14, lines 30-40];
  - (ii) generating a parameter file based on the input (column 14, lines 40-45);
  - (iii) validating the parameter file (column 14, lines 45-50); and
  - (iv) storing the parameter file (column 14, lines 50-55); and
- (d) if the interface is operating in the report mode:
  - (i) identifying a user (column 14, lines 30-40);
  - (ii) locating a parameter file (column 14, lines 40-45); and
  - (iii) generating a report based on the parameter file by:
    - 1) identifying templates in the parameter file (column 14, lines 50-55);
    - 2) retrieving templates of a first type from a first module (column 14, lines 50-55);
    - 3) retrieving templates of a second type from a second module (column 15, lines 15-65)
    - 4) querying a database [report manager utilizes a database; column 12, lines 46-67; column 16, lines 41-67; column 17, lines 34-67; column 18, lines 1-17]; and

6) populating the templates utilizing network traffic information retrieved in response to the querying [information used to fill reports; column 14, lines 26-43];

(iv) displaying the populated templates [display, Figure 4, pp 0065];  
wherein the templates are generated based on a plurality of user-configured parameters selected from the group consisting of network portions to be reported, a format of reporting, or a time period [format types column 13, lines 26-41; column 18, lines 46-67; column 20, lines 42-50].

As per claim 29, Devine et al. teaches the method as recited in claim 28 wherein the database is populated according to a minute time interval (column 14, lines 26-43).

As per claim 30, Devine et al. teaches the method as recited in claim 1 wherein the templates specify a manner in which the network traffic information is extracted from the database and a manner in which the network traffic information is reported information used to fill reports (column 12, lines 46-67; column 16, lines 41-67; column 17, lines 34-67; column 18, lines 1-17).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



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5. Claims 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Devine et al. US Patent No. 6,631,401 in view of Kryskow US Patent Publication No. 2003/0053466. Devine et al. teaches the invention as claimed including a method for requesting and creating reports (see abstract). Kryskow teaches the invention as claimed including a method of measuring bandwidth and reporting the results (see abstracts).

As per claim 25, Devine et al. teaches the method as recited in claim 1. Devine doesn't teach wherein the reporting includes a graph displaying error segments for a predetermined period of time. Kryskow teaches wherein the reporting includes a graph displaying error segments for a predetermined period of time (Figure 4, 0079-0080, Figure 6). It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the reporting of Devine with the reporting of Kryskow. The additional reporting of Kryskow allows for a more specific report. This, it would have been obvious to one of ordinary skill in the art to combine the further reports of Kryskow in the already existing report of Devine to improve the type of report the user receives.

As per claim 26, Devine et al. teaches the method as recited in claim 1. Devine does not teach wherein the reporting includes a graph displaying a list of busiest servers for a predetermined period of time. Kryskow teaches wherein the reporting includes a graph displaying a list of busiest servers for a predetermined period of time (Figure 4, pp 0079-0080).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the reporting of Devine with the reporting of Kryskow. The additional

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reporting of Kryskow allows for a more specific report. This, it would have been obvious to one of ordinary skill in the art to combine the further reports of Kryskow in the already existing report of Devine to improve the type of report the user receives.

As per claim 27, Devine et al. teaches the method as recited in claim 1. Devine does not teach wherein a plurality of monitoring agents are utilized to monitor the network traffic information. Kryskow teaches wherein a plurality of monitoring agents are utilized to monitor the network traffic information (pp 0064, 0065). It would have been obvious to one of ordinary skill in the art to combine monitoring of Devine with the plurality of monitoring agents of Kryskow.

The element of monitoring traffic and the element of using a plurality of monitoring agent are both known in the prior art and one skilled in the art could have combined the known function of monitoring with the known element of monitoring with multiple agents as claimed with no change in the function of monitoring, and the combination would have yielded the predictable result of monitoring traffic to one of ordinary skill in the art at the time of the invention.

As per claim 28, Devine et al. teaches the method as recited in claim 27. Devine does not teach wherein the plurality of monitoring agents write the network traffic information to files which are utilized to populate the database. Kryskow teaches wherein the plurality of monitoring agents write the network traffic information to files which are utilized to populate the database (pp 0064, 0070).

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The element of monitoring traffic and the element of using a plurality of monitoring agent are both known in the prior art and one skilled in the art could have combined the known function of monitoring with the known element of monitoring with multiple agents as claimed with no change in the function of monitoring, and the combination would have yielded the predictable result of monitoring traffic to one of ordinary skill in the art at the time of the invention.

### ***Response to Arguments***

6. Applicant's arguments filed June 12, 2007 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uzma Alam whose telephone number is (571) 272-3995. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

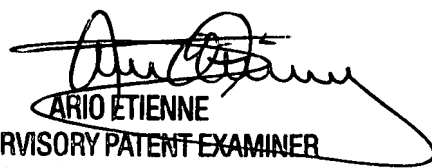
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Uzma Alam

Ua

August 30, 2007

  
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